

REMARKS

In the **final** Office Action of November 27, 2009 the Office noted that claims 21-29 were pending and rejected claims 21-29. In this amendment claim 21 has been amended, no claims have been canceled, and, thus, in view of the foregoing claims 21-29 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

EXAMINER INTERVIEW

The undersigned wished to thank the Examiner for taking the time to meet and discuss the instant Application. The Applicants have amended the claims consistent with the amendments discussed at the Interview.

REJECTIONS under 35 U.S.C. § 103

Claims 21, 22 and 24-29 stand rejected under 35 U.S.C. § 103(a) as being obvious over Boies, U.S. Patent Publication No. 2002/0082878 in view of Martinez, U.S. Patent Publication No. 2002/0052797 in view of Walker, U.S. Patent No. 6,112,185. The Applicants respectfully disagree and traverse the rejection with an amendment and argument.

Boies discusses a method for the allocation of seats comprising the use of data relative to customer seating preferences. It also comprises the steps of: fulfilling at least

partially the preferences of the customer, guaranteeing these preferences while assigning a flexible seat, re-assigning the customer, if necessary, while preserving the preferences.

Martinez discusses a method to determine whether a product or a service satisfies preferences established by a party.

Walker discusses a method for processing upgrade offers.

The Applicants have amended claim 1 to recite "determination by a processor of a satisfaction value of the customers for each seat as a function of agreement with the placement criteria, ***the satisfaction value being a particular numerical amount resulting from a specific mathematical operation.***" (Emphasis added) Support for the amendment may be found, for example, in Table 2 of the Specification. The Applicants submit that no new matter is believed to have been added by the amendment to claim 21.

The Applicants submit that neither Boies, nor Martinez and Walker disclose teach or suggest the satisfaction value being a numerical amount resulting from a mathematical function.

For example, Boies ¶ 0046 discusses either satisfying all or some requirements. However when it cannot satisfy all the requirements Boies ¶ 0046 states

If, however, the central controller 100 cannot accommodate all elements of the request, either because the guaranteed seating requests prevent it, or because

the airline has chosen to accommodate only a certain number of elements of a request, then the central controller 100 **determines if some elements of the request can be satisfied** (step 525). **If some elements can be satisfied, the passenger 120 is notified of which elements of the request can be accommodated in step 535.** If it is determined in step 540 that the passenger 120 is **satisfied**, then the central controller 100 records the elements of the request that have been accommodated as well as the "**flexible" seat assignment** in fields 460 and 465 of the reservation database 250, respectively (step 545) [Emphasis added]

Thus, asking the customer to override the requirements, not summing a satisfaction **value** based on the numbers that are met. Then, allocating seats based on that satisfaction **value**.

Martinez customizes a price for a product but does not do so based on a satisfaction value. Walker does not use any type of satisfaction to determine whether an offer is accepted.

For at least the reasons discussed above, Boies, Martinez and Walker, taken separately or in combination, fail to render obvious the features of claims 21 and the claims dependent therefrom.

Claims 23 stands rejected under 35 U.S.C. § 103(a) as being obvious over Boies in view of Martinez in view of Walker in view of Official Notice. The Applicants respectfully disagree and traverse the rejection with an amendment.

The Applicants submit that Official Notice adds nothing to the combination of Boies, Martinez and Walker as applied against the independent claims. Therefore, for at least the reasons discussed above, Boies, Martinez, Walker and Official Notice, taken separately or in combination, fail to render

obvious claim 23.

Withdrawal of the rejection is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 21-29 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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